

III. REMARKS

Claims 1-16 are pending in this application. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 4-9 and 12-16 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Peek (U.S. Patent No. 6,614,551), hereafter “Peek,” in view of Zong (U.S. Pub. No. 2001/0000301 A1), hereinafter “Zong.” Claims 2-3 and 10-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Peek and Zong, further in view of Ohta (U.S. Pub. No. 6,396,848), hereinafter “Ohta.”

With regard to the rejections, Applicant asserts that the cited references fail to teach each and every feature of the claimed invention. For example, Applicant submits that the cited references fail to teach or suggest a system that takes data that is originally in an electronic mail format, converts that data into an image form and then transmits that electronic mail data converted into said image form to the receiver by facsimile communication procedures.

Interpreting Peek for purposes of this response only, the Peek system discloses an email capable fax machine. The Peek system takes fax type data, converts it into internet type data (i.e. electronic data), and then sends the data via email over the internet. *See* Col. 2, lines 50-55 “For an email transmission, the processor converts the fax type data into internet type data...the modem dials the customer number...then sends the data via an email feature to the destination

email address.” As such, Peek’s system is opposite to the claimed invention in at least two important aspects. First, in the claimed system the data originates in an electronic mail format, whereas in the Peek system, the data originates in a fax format. Second, the claimed invention takes electronic data, converts it to fax data, and then transmits the data via fax. As such, the claimed invention eliminates the necessity of transmitting data over the internet, whereas the Peek system specifically relies on using the internet to send the data. As all of the independent claims specify, the claimed system does not transmit the data over the internet, but rather transmits data via other means, i.e., facsimile communication procedures.

The Zong reference does not cure the deficiencies noted above with the Peek reference because it is also in direct contrast to the claimed invention. The Zong system also converts incoming fax data into an email message (therefore the data originates as fax data) and sends that message over the internet. Again, as with Peek, the Zong system specifically relies on transmitting data over the internet, whereas the claimed system specifically claims transmitting data via fax communication procedures. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: May 22, 2008

/Meghan Q. Toner/
Meghan Q. Toner
Reg. No.: 57,878

Hoffman, Warnick LLC
75 State Street 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)